

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**MICHAEL OTIS ROBERTSON
ADC #106563**

PLAINTIFF

V. NO. 4:20-cv-01398-KGB-ERE

COBB, *et al.*

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections:

This Recommendation for the dismissal of Mr. Robertson's claims has been sent to Judge Kristine G. Baker. The parties may file objections with the Clerk of Court if they disagree with the findings or conclusion set out in the Recommendation. Objections should be specific and should include the factual or legal basis for the objection.

To be considered, objections must be filed within 14 days. If the parties do not file objections, they risk waiving the right to appeal questions of fact. And, if no objections are filed, Judge Baker can adopt this Recommendation without independently reviewing the record.

II. Discussion:

Michael Otis Robertson, formerly an inmate at the Pulaski County Jail, filed this lawsuit without the help of a lawyer under 42 U.S.C. § 1983. *Doc. 2*. On May 5,

2021, Defendants moved for a Court order compelling Mr. Robertson to respond to their discovery requests. *Doc. 27*. The next day, the Court granted the motion and ordered Mr. Robertson to file his responses to the Defendants' discovery requests within 30 days. *Doc. 29*. The Court cautioned him that his failure to file responses, as ordered, would likely result in the dismissal of his claims, without prejudice. Local Rule 5.5(c).

To date, Mr. Robertson has not filed discovery responses, and the time for doing so has passed. Defendants have now moved to dismiss Mr. Robertson's claims against them based on his failure to respond to the Court's May 6, 2021 Order. *Doc. 29*.

III. Conclusion:

The Court recommends that:

1. Mr. Robertson's claims be DISMISSED, without prejudice, based on his failure to comply with this Court's May 6, 2021 Order and his failure to prosecute this lawsuit; and the Clerk be directed to close this case.
2. All pending motions, including Defendants' motion to dismiss (*Doc. 31*), be DENIED, as moot.

DATED this 8th day of June, 2021.


UNITED STATES MAGISTRATE JUDGE